

J. H. Harrison
THE

S P E E C H

OF

HENRY BROUGHAM, Esq. M.P.

IN THE

HOUSE OF COMMONS,

MAY, 8, 1818.

ON THE

EDUCATION OF THE POOR,

AND

CHARITABLE ABUSES.

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A. B. C. D.

OF

HENRY BROCKMAN & CO.

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REPORT

PRESENTED TO THE HOUSE OF COMMONS

1842

THE
S P E E C H,

&c. &c.

SIR;

IN rising to perform the duty cast upon me by the Education Committee, of describing to the House the progress of its inquiries, I am afraid I shall have occasion to trespass for some time upon your indulgence. First of all I must advert to the apparently slow progress which we have made in the investigation. Two years have elapsed since our labours began, and the Bill now before the House is the first measure we have brought forward. I confess, that, to me, this delay appears salutary. It has afforded ample time for the serious and repeated consideration, which the vast importance of the subject prescribes to those who would legislate upon it; and an opportunity has likewise been given of obtaining the most valuable information from various sources. What I am about to lay before the House is to

be taken as the result of that reflection and evidence.

In considering the want of education among the poorer classes of society, and the best measures for supplying it, we shall do well to regard the subject in two distinct points of view : attending, first, to the situation of the people in cities, and towns of considerable size; secondly to the circumstances of the people in small towns or villages, and in districts wholly agricultural, where hardly even a village exists. The House will soon perceive that a due attention to this division, and the diversities of situation upon which it is founded, furnishes a clue to guide us a great part of the way in our inquiries, if indeed it does not lead us to the conclusion. Now in large towns, in those I mean, where the population exceeds seven or eight thousand inhabitants, there exist, generally speaking, sufficiently ample means of instructing the poor ; not that there is almost any town where all can at present be taught ; but that the laudable exertions of individuals are directed everywhere to this object, and are daily making such progress as will in time leave nothing to be wished for. Societies are formed or forming of respectable and opulent persons, who, to their infinite honour, beside furnishing the necessary funds, do not begrudge what many withhold who are liberal

enough of pecuniary assistance—their time, their persevering and active personal exertions. It is difficult to describe such conduct in terms of adequate praise; nor is it confined to the metropolis and the larger cities. We find hardly a town of any note in which some association of this sort has not been formed; and there can be no doubt, that a sufficient number of schools to educate all the poor of such populous places may be maintained by the voluntary contributions of such bodies, if the obstacle is removed which the first expense of the undertakings, the providing school-houses, occasions. Where so powerful a disposition, to carry on this good work, exists in the community itself, we should be very careful how we interfere with it by any legislative provisions. The greatest danger is to be apprehended, of drying up those sources of private charity, by an unguarded interposition of the public authority. The associations, to which I refer, act for the poor, both as benefactors, as advocates, and as trustees. They contribute themselves; they appeal to the community through the usual channels of private solicitation, of public meetings, and of the press; they raise sums by donations to begin the undertakings, and by annual subscriptions to meet the current expenses; they manage the expenditure, for the most part, with a degree of economy,

which I am afraid can never be hoped for in the distribution of any portion of the State revenue. Should Parliament now show a disposition to assist those societies by annual grants (as we do the Chartered Schools in Ireland), no one can doubt, that the zeal of the collectors, and the exertions of the contributors would be immediately relaxed. Nor can it reasonably be questioned, that the funds so bestowed would be applied less economically. We might expect soon to see those incomes now raised for the education of the poor—in less considerable towns amounting to 100*l.* or 200*l.* a year, in larger cities to 1200*l.*, 1500*l.*, and even 2000*l.*,—dwindle to nothing, while others only in embryo might perish, and many beneficent schemes would assuredly never be formed at all, which the charity of the richer classes, left to itself, neither controlled nor assisted, might speedily have conceived. The line traced out for Parliament, with regard to the populous districts, by all the evidence given to the Committee, seems sufficiently plain. It should confine its assistance to the first cost of the establishments, and leave the yearly expenses to be defrayed in every case by the private patrons. The difficulty, generally experienced, in beginning a school, arises from the expenses of providing the school room and the master's house. In many places the inha-

bitants could raise so much a year to keep the thing going, provided it were once started ; but something in the nature of an outfit is wanted ; and undertakings are thus often abandoned from the difficulty of meeting this first and greatest expense. Whatever Parliament may be disposed to do, should be confined to removing this impediment, and thus calling into action the beneficent dispositions of the community, without in any wise superseding the necessity of them.

The House, I am persuaded, will be gratified to learn how extensive has at all times been the operation of public charity upon the education of the poor in this country. I speak now of the funds raised by occasional contributions, independent of the magnificent endowments of charitable establishments. The extent of these subscriptions in the present day is well known ; but the Committee have been furnished with an account of them a century ago, by the kindness of Mr. George Dyer, a man greatly to be respected for having devoted a long and active life to literary pursuits. It appears by this statement, published in 1713, that in the city of London no less than 4952 children then received their education from annual subscriptions, and the collections made at charity sermons. The expense of teaching and clothing them was

8859*l.* a year, including the cost of even boarding a small number. This is a curious fact, when contrasted with the great expense of such establishments in these times. I have compared the charges of a school in Bloomsbury, as stated before the Committee in 1816, where 101 boys, and 60 girls, were taught and clothed, with the charges of a school mentioned in the old tract, where 100 boys, and 60 girls, were taught and clothed: the whole cost, in Queen Ann's time, appears to have been 212*l.*, and in the present day it exceeds 1200*l.* It must, indeed, be confessed, that this increase of expense is, in part, owing to certain abuses in the management of our charities. The Committee have found several instances of tradesmen subscribing to the funds of a school with the view of obtaining its custom; and the trustees, instead of checking their large charges, appear frequently to have some fellow feeling, which makes them connive at the excess, as well as allow an undue amount of purchases. The examinations of these matters, which took place two years ago, and the discussion to which our Report gave rise, I would fain hope, may already have applied the only remedy which is adapted to this mischief, by exciting the more scrupulous attention of the subscribers and of the public to the administration of those funds.

When we turn from the considerable towns, and populous districts, to parts of the country more thinly peopled, we perceive a very different state of things, in all but one essential particular, in which every quarter of the kingdom seems to agree. The means of instruction are scanty; there is little reason to look for their increase; but the poor are everywhere anxious for education. From the largest cities to the most solitary villages—to remote districts where the inhabitants lived dispersed, without even a hamlet to gather them together; whether in the busiest haunts of men, the seats of refinement and civility, where the general diffusion of knowledge, and the experience of its advantages or pleasures might be expected to stamp a high value on it in all men's eyes, or in the distant tracts of country, frequented by men barely civilized, and acquainted with the blessings of education rather by report than observation—in every corner of the country the poor are deeply impressed with a sense of its vast importance, and willing to make any sacrifice within the bounds of possibility to attain this object of their ardent and steady desire. All the evidence collected by the Committee evinces the truth of this statement, so honourable to the character of our country; and I make it with a feeling of pleasure and pride, because it shows the existence of a noble

spirit in Englishmen, which all the calamities of the times have not been able to undermine or to subdue.

We have recently issued a Circular Letter, containing Queries addressed to all the Clergy of England and Wales, respecting their several parishes. Already answers have been received from above seven thousand places ; and I cannot avoid expressing the sense entertained by the Committee, of the zeal and alacrity shown by those reverend persons, who laying aside all other avocations have lost not an hour in applying themselves to the consideration of this important subject. The House will better judge of this meritorious exertion, when I add, that these answers have all been received within the space of nine days, and the remainder are hourly pouring in. I have been enabled to form some opinion upon the information which the returns contain, by the assistance of the officers of the House, and the kind attention bestowed by two learned gentlemen, who are aiding us in digesting this great mass of materials. Reserving for a subsequent part of my observations an account of the other purposes, to which these inquiries have been subservient, I shall at present state the results of the evidence, as far as they bear upon the difference between the inhabitants of the populous and thinly peopled districts,

The difference is twofold. In the first place, where the town is considerable, though the people may be of various religious denominations, no impediment to instructing the whole arises from that circumstance, because there is room for schools upon both principles. The Churchmen can found a seminary, from whence Dissenters may be excluded by the lessons taught, and the observances required; while the sectaries, or those members of the establishment who patronize the schools for all without distinction of creed, may support a school upon this universal principle, and teach those whom the rules of the Church Society exclude. But this is evidently impossible in smaller towns, where the utmost exertions of the wealthy inhabitants can only maintain a single school. There, if the bulk of the rich belong to the Church, no school will be afforded to the sectarian poor; though, certainly, if the bulk of the rich be Dissenters the poor connected with the Establishment may profit by the school, which is likely to be founded. If, on the other hand, the wealthy inhabitants are more equally divided, and the members of the Church refuse to abandon the exclusive plan, no school at all can be formed. Accordingly it is in places of this moderate size that the difference between the two plans is the most felt, and where I can

have no doubt, that the progress of education has been materially checked by an unbending adherence to the system of the National Society. The moderate size of the place renders the distinction of sects most injurious to education, even where there exist the means and the disposition to establish schools by subscription. But, secondly, in the smallest towns, and in villages and country districts, there is not found the same inclination to plant schools, which so honourably marks the conduct of more populous places. Where individuals live in very narrow communities, still more where they are scattered in the country, they have not the habits of assembling in meetings, and acting in bodies. Their zeal is not raised by the sympathy and mutual reflection, which constant communication excites; and even where their dispositions are good, they know not how to set about forming or promoting a plan which must essentially depend on combined operations. In such districts, we certainly cannot expect the great work of educating the poor to be undertaken by the voluntary zeal of the rich. And here, therefore, it is that I must look forward to legislative interference, as both safe and necessary.

I am aware how dry and uninteresting this subject is to many persons present.—*[There was considerable noise about this time in some parts*

of the House.]—It has nothing of a political, or party, or personal nature. It involves no inquiry into the conduct of the Royal Family. It regards no violation of the privileges of the House. It is alike unconnected with the preservation and the pursuit of place, and can afford gratification to no malignant or interested feeling. It has but a sorry chance, then, of fixing the attention of such as love to devote their minds to those higher matters. But I stand here to do my duty as Chairman of your Committee, and if the task which interests me should prove dull to others, I only beg to assure them, that I neither desire their attention nor their presence; and if perchance they have any more pressing avocation elsewhere at this particular moment, I should feel obliged by their pursuing it, and leaving us, without disturbance, to the dull, plodding, ignoble work, of vindicating the cause of the poor; of supporting those who can have no other advocates; of urging the necessity of universal education, and imploring Parliament to impart that blessing which can alone preserve the virtue of a populous, commercial, and luxurious empire, and prevent its stability from being shaken by the progress of its refinement. The only plan to which we can look with confidence for securing this mighty object is the application of a parish school system to those parts

of the country where voluntary exertions are not to be expected from the higher classes of society. In Scotland this system has long been established with the happiest effects, and it was begun there at a time when all that portion of the island was in the same situation with those districts of England, to which I now consider it as peculiarly applicable. To towns of a considerable size I deem it inapplicable; and if applicable, not desirable. But there seems no other way of providing education for all the poor in smaller towns, and in country parishes. Something of this sort has heretofore been submitted to the attention of the House. About eleven years ago, a very dear and most lamented friend of mine broached it, prematurely perhaps, but usefully, and with all the force of his powerful and virtuous mind — a mind which ever seemed to bend its faculties most earnestly to subjects that touched the well-being of the poorer, and more helpless classes of the community. The benevolent views of Mr. Whitbread then met with great opposition; and I think not unnaturally; for the House was called upon to legislate upon a great and complicated question without any previous inquiry, and to proceed, as it were, in the dark, among a variety of unascertained obstacles. He had besides strong prejudices to encounter, even in men of high character and

talents. Among these, it is painful to recollect that there was one, who ranked with the greatest ornaments of his age; one who never failed to captivate his hearers by the brilliant displays of his fancy, even while they felt that his subtleties were leading their good sense astray; whose ingenuity, indeed, was constantly laying snares for his own better judgment; and who too often tried to mislead others by paradoxes, which on cooler reflection he must have been the first to despise. It is melancholy and even humiliating to reflect on this, the greatest of all his paradoxes, that Mr. Windham, himself the model of a finely educated man, the most finished specimen of the power of cultivation, should have stood forward as the active opponent of national education. He was followed, as great men usually are, by persons who would have been left at an immeasurable distance, if they had attempted to reach the course of his noble genius and virtues, but who found it an easy matter to ape his eccentricities and errors. Nay, with the servile zeal of imitators, they outstripped their master, and maintained, that if you taught plowmen and mechanics to read, they would thenceforward disdain to work. It is a most comfortable reflection that such prejudices and fancies have now entirely died away. During this, and the two last sessions, in all the discussions that have taken place, both in the House, in the Com-

mittee, and in the country, I have never heard a single whisper hostile to the universal diffusion of knowledge. Every thing like opposition to the measure itself is anxiously disclaimed by all. The only question entertained is touching the best, that is the surest and the most economical method of carrying it into effect.

I have stated, that, in my humble opinion, we ought to adopt the system which has already been tried with so much advantage in Scotland, with such changes as may adapt it to the situation of this country. The attention bestowed from the earliest times, upon the important subject of national education in that part of the kingdom, reflects immortal honour upon its inhabitants. As far back as the fifteenth century, in the year 1494, when it would be very difficult to trace any attention to such matters in the proceedings of the English or the Irish Parliament, that comparatively poor and barbarous country introduced into its Statute Book an Act, the mention of which, I suspect, may excite merriment in the House — an Act to compel persons of a certain station, barons, and freeholders of substance, to have their eldest sons well grounded in Latin at the grammar schools, and afterwards to study the laws for three years, to the end that “*justice might remain universally through all the realm.*” Other legislative provisions of inferior im-

portance were made in the course of the sixteenth century, and at length, in the reign of Charles I, the attention of government was directed to the establishment of parochial schools. To that monarch is unquestionably due the praise of having begun the system. I know not if historians have sufficiently marked the difference of his conduct towards England, and towards his ancient hereditary kingdom. In this respect he somewhat resembled a celebrated chief of our own times, who always treated with much more favour the country of his birth than that of his adoption. So, whatever Charles I may have been in England, in Scotland he was a great reformer. She owes to him the most beneficial change that was ever effected in ecclesiastical polity, the general commutation of tithe; and about the same time he laid the foundation of another improvement, hardly less important both to the state and the church, the system of parish schools. In the preceding reign an Act of Council had passed, 1616, directing the Bishops "*to deal and travail,*" with their respective dioceses for "*providing the means of entertaining schools.*" And the Statute of Charles, in 1633, compelled the landholders to undertake this work. It was not, however, till after the Revolution, that the measure was rendered effectual, in 1696, by one of the last and best acts of the Scottish Parlia-

ment; a law justly named among the most precious legacies which it bequeathed to its country. The experience of above a century has borne irresistible testimony to the salutary tendency of this scheme. The expense attending it is moderate. The school-house is a building little better than a barn, which in Scotland may cost 40*l.* or 50*l.*; and in England may be erected for 100*l.* or 150*l.* The yearly salary of the master, originally from 5*l.* to 11*l.*, was raised in 1803 to its present amount of 16*l.* to 22*l.**. For sums no greater than these, expended in every parish, the whole of Scotland enjoys the inestimable benefits of an education, which extends to the poorest classes of her inhabitants, and, in its effects, confers a thousand advantages upon the highest orders in the state. The system is efficient as cheap — extensive as useful — permanent as salutary. The distinctions which it bestows are as honourable as its effects are beneficial; and neither the one nor the other are confined to the country itself. Go where you will over the world, the name of a Scotchman is still found combined in the minds of all men, perhaps with some qualities to which sincere regard for that good people restrains me

* By 43 Geo. 3. c. 54. More accurately, the old stipends were from 5*l.* 11*s.* 1*d.* to 11*l.* 2*s.* 2*d.*; the new stipends are from 16*l.* 13*s.* 3*d.* to 22*l.* 4*s.* 4*d.* and they are to be corrected every 25 years according to the price of grain.

from mentioning ; but certainly with the reputation of a well educated man. To the possession of this enviable characteristic, and not, I trust, to the other qualities sometimes imputed to them, we may fairly ascribe the high credit, the great ease, and what is usually termed the success in life, which generally attends Scotchmen settled abroad. Other countries where they have settled have partially followed their example, as indeed, into what part of the world have they not emigrated ?—[*There was considerable cheering at this question.*]—Aye, Sir, and let me ask, where have they gone without conferring benefits on the place of their adoption ? In what place have they settled, that has not reaped, at the least, as much advantage from them as it has bestowed upon them ? In Sweden, where a number of the noble families are of Scotch extraction, something upon the model of the Parish School system has long been established. In the Swiss Cantons and in many of the Protestant countries of Germany, the example has been followed, with more or less closeness, and wherever the plan has been adopted, its influence upon the improvement of the lower classes, and the general well-being of society, has, if I may trust my own observation, and the concurring testimonies of other travellers, been abundantly manifest. America affords

another instance which deserves to be cited as a triumphant refutation of the whimsies of ingenious men, who fancy they can descry something in education incompatible with general industry. That is surely the last country in all the world, where idleness can expect to find encouragement. The imputation upon it has rather been that the inhabitants are too busy to be very refined. An idler there is a kind of monster; he can find no place in any of the innumerable tribes that swarm over that vast continent. In the rapid stream of its active and strenuous population it is impossible for any one to stand still a moment; if he partakes not of its motion he will be overwhelmed or dashed aside. Yet such is the conviction there, that popular education forms the best foundation of national prosperity, that in all the grants made by the government of their boundless territory, a certain portion of each township, I believe the twentieth lot, is reserved for the expense of instructing and maintaining the poor.

I have already adverted to the introduction of this subject some years ago by Mr. Whitbread. The only sound objection which was then urged against a plan, resembling in some of its principles the one I am now broaching, though differing in many important respects, is so germane to the matter in hand, and proceeded from so

respectable a quarter, that I must here shortly notice it. Mr. Perceval deemed my honourable friend's proposal premature; he thought it was beginning at the wrong end, to legislate before we had inquired; and he recommended (what I was not aware of two years ago, when I first proposed the present measure) that before any thing farther was done, a commission should be appointed to examine the present state of the Charitable Foundations, and other institutions for educating the poor. The Committee has already made great progress in the investigation of this subject; it has received a prodigious mass of information from all parts of the country. We are now diligently employed in prosecuting these researches, and in digesting their results into Tables, which may exhibit at one view a general, but minute chart of the state of education throughout the empire; so that the eye may readily perceive in each district what are the existing means of public instruction, and wherein those means are deficient; how many children in any given place are taught, and after what manner; how many are clothed or maintained; how the funds for their instruction or support arise; with much information of a miscellaneous nature, affording valuable suggestions to the commission which is about to issue, for the more rigorous investiga-

tion of all charitable abuses. When these Tables shall be laid before the House, an ample foundation will be prepared for the legislative measure, which, sooner or later, I am convinced must be adopted; for they will indicate the kind of districts where parish schools are most wanted, and enable us to frame the provisions of the law, so as not to interfere with the exertions of private charity, and to avoid unnecessary, and, what is the same thing, hurtful legislation.

The more immediate subject, however, of our consideration at present, is the measure of inquiring effectually into the state and management of Charitable Funds, and I am persuaded that the House will feel with me the necessity of adopting it, when I state a few particulars to show the large amount of those funds, and the abuses to which they are liable. The returns in pursuance to the 26th Geo. III, commonly called Mr. Gilbert's Act, are known to be exceedingly defective; yet they make the yearly income of Charities about 48,000*l.* from money, and 210,000*l.* from land, in the year 1788. It appears from evidence laid before the Committee, that in one county, Berkshire, only a third part of the funds was returned. If we suppose this to be the average deficiency in the whole returns, it will follow that the whole

income actually received by Charities was between 7 and 800,000*l.* a year. But this is very far from an accurate estimate of the real annual value of charitable estates. Several circumstances concur to keep the income down. In the first place, the trustees have, generally speaking, very insufficient powers for the profitable management of the funds under their care. They are thus prevented from turning them to the best account. I know of many cases where, for want of the power to sell and exchange, pieces of land in the middle of towns lie waste which might yield large revenues. The right honourable gentleman opposite (Mr. Huskisson), connected with the department of the land revenue, is perfectly aware how important an increase of income might be derived from an addition of this sort to the powers of trustees. It is a power which the donors would in almost every instance have conferred, had they foreseen the change of circumstances that renders it so desirable. Another source of diminution to the revenue of the poor is the loss of property through defects in the original constitution of the trusts, and a consequent extinction in many cases of the trustees, without the possibility of supplying their places. Negligence in all its various branches is next to be named, including carelessness, ignorance, indolence, all the sins of

omission by which men suffer the affairs of others to perish in their hands, when they have the management of them gratuitously, and subject to no efficient check or control. Add to all these sources of mismanagement, the large head of wilful and corrupt abuse in its various branches, and we shall probably underate the amount of the income which ought now to be received by Charities, if we say that it is nearer two millions than fifteen hundred thousand a year; by far the greater part of which arises from real property.

It is very material to observe the intimate connection between this subject and another, which at present justly occupies a large share of our attention, and excites a most lively interest throughout the country—the Poor Laws. Were I to suggest that an inquiry into the extent of the funds already destined to charitable purposes, and the best means of making them available to those ends, ought naturally to accompany, if not to precede a revision of the laws for supporting the poor, I should hardly be accused of taking a fanciful, or sanguine view of the question, or of falling into the error so commonly observed in projectors and authors, who are prone to imagine that their favourite subject shoots its ramifications into all others. I have the authority of the legislature, which

by its practice has sanctioned the position, that the present inquiry is connected with the Poor Laws. The first Statute of Charitable Uses, which was a temporary one, passed in the 39th of Elizabeth, at the time when the state of the poor was attracting the notice of Parliament. The well known Act of the 43d of that reign, which followed was passed in the same year with the celebrated Poor Law, and stands next but one to it in the Statute Book. The preamble to Mr. Gilbert's Act recites the expedience of inquiring into charitable donations at the time when "the legislature are directing inquiries into the state and condition of the poor." The present then seems an equally appropriate occasion for undertaking the investigation which I now recommend, when we are occupied in revising the system of the Poor Laws.

As the mass of evidence examined by the Committee cannot for some time be accessible to the members of this House, I think it may be useful if I now state a few cases of mismanagement and abuse, to serve for a sample of those which may be found in every part of the country. I shall not at present name the particular places, but only the counties whence the cases have come; because inaccurate reports of the charges made here against individuals are

apt to get into circulation. When the whole details shall be presented in the Committee's Report, the persons accused will be pointed out; but they will then have an opportunity of seeing the statements on which the charges rest, and knowing the names of their accusers. A strange neglect, to say the least of it, has appeared in the administration of some Berkshire charities. In Charles the First's reign the sum of 4000*l.* was left to be laid out in land for the use of a school, and in 1660 the purchases were completed, for 3900*l.*, the remaining 100*l.* having probably gone for the expenses of the conveyance. What rent does the House think these lands have yielded? In 1811 it was only 196*l.* a year, five per cent on the original purchase money a century and a half ago, and only 10*l.* more than was received a few years after the Restoration. The good and diligent trustees in Charles the Second's time dealt wisely and well with the estate, for they very soon made it yield 5 per cent; but the less careful, I will not say less honest, stewards in George the Third's reign, granted a sixteen years lease at a rise of ten pounds above the rent in the seventeenth century. In 1811, indeed, the rent was doubled; though there is every reason to believe that it is still very inadequate. To another school in the same county belongs an estate let at 450*l.* which the

surveyors value at above 1000*l.* a year. And the income received from lands purchased seventy years ago, by different charities, with sums amounting in the whole to 22,000*l.*, is now only 379*l.*, being little more than one and a half per cent on the purchase money. A certain corporation in Hampshire has long had the management of estates devised to charitable uses, and valued at above 2000*l.* a year by surveyors. They are let for 2 or 300*l.* a year on fines. How are the fines disposed of? No one knows; at least no one will tell. Those interested in the application inquire in vain. The corporation wraps itself up in a dignified mystery, and withholds its books from vulgar inspection. The same worshipful body has obtained possession of a sum of 1000*l.*, part of a bequest well known by the name of White's Charity. In former times Sir Thomas White, a merchant in London, left certain estates to form a fund for assisting poor tradesmen with small loans, somewhat according to the plan adopted by Dean Swift, but which his peculiar temper frustrated, and rendered a source of great uneasiness to himself. The corporation to which I allude, became intrusted with 1000*l.* of this money; and what they have done with one half of it I know not; they may have lent it to poor traders; but I am aware that the other 500*l.* has not

been so lent, either with or without interest, but applied to pay a corporation debt, and in this ingenious manner: it has been lent without interest to the creditors of the corporation in satisfaction for the present of their debt, and a truly marvellous recommendation has been entered on the corporation books to their successors, to do the same as often as the demands of the creditor might require the operation to be performed. I hold in my hand forty or fifty more instances of abuse, extracted from the numerous returns made by the resident clergy. The Committee Room is directed to be opened to every member of the House; gentlemen will there see the returns arranged in piles, under the heads of the several counties, and the praiseworthy zeal of the two learned gentlemen (Mr. Parry, and Mr. Koe) who assist the Committee, will help them to find any of the particular cases to which I am now referring, as well as many others which I am obliged to omit. At a place in Devonshire the question, What funds exist, destined to the purposes of education, is answered by a statement, "that the funds of the Foundation School are known only to Mr. Such-a-one." In another return it is said, that no account whatever can be obtained of the funds; and in a third, the estate belonging to the Charity is alleged to have been let on a ninety-

nine year's lease. Now this lease of itself I hold to be an abuse. To let and take a fine is an abuse; to let for so long a term without taking a fine is a gross mismanagement of the property. What then will the House say of leases for eight and nine hundred years? We have evidence of both; and in one case for a peppercorn rent. In the county of Norfolk, a school was founded in 1680, for educating forty children; but none are now taught there at all. The reverend author of this return observes, that great mystery hangs over this charity—a remark the less surprising, when we find that the estates produce 300*l.* a year, and that the accounts have not been audited for thirty years. A school was anciently endowed in Derbyshire, and the lands produce 80*l.* a year, but no children are taught; and the return describes the management of the funds to be “most shameful and abominable.” The master has done nothing for ten years; the trustees are all dead; and no successors have been appointed. In Essex a school was founded many years ago, and at one time it had fallen into such mismanagement, that only a few boys were taught, I believe, by a mechanic whom the master appointed. The present incumbent provides for the education of 70 children, but so ample are the funds, that he receives about a thousand a year, after paying all the expenses of

the establishment. Owing to the neglect of the trustees, the whole management of another school in that county has lapsed to Magdalen College, Cambridge, and the clause in the present bill exempting all Charities under the control of Colleges, will prevent the Commissioners from inquiring into the causes of this devolution, for which no blame can attach to Magdalen, but certainly the greatest neglect must be imputed to the trustees. In one place, in Leicestershire, the property belonging to a school has lately been offered for sale, by what possible right or title I am unable to divine. A surplus fund is stated in another return to have been pocketed by the trustees. In Nottinghamshire there is a free school, the funds of which our reverend informant scruples not to say are grossly abused. The scholars are wholly neglected, and hush money is given to the master. The income is stated to be 400*l.* a year. In Worcestershire a charitable foundation, which existed a few years ago, is said to have entirely disappeared. In the same county there is a school endowed with an income of 1000*l.* a year; and timber was lately cut upon the estates which sold for 370*l.* By the deed of foundation all the inhabitants of the place are entitled to have their children educated; but the master has made so many exceptions and restrictions,

that only eight boys belonging to that place are taught. In the North Riding of Yorkshire is a school, the revenue of which amounts to 1300*l.* a year ; six boys are taught. The master of a school in the East Riding receives his salary and lives in the West Riding ; he has done so for thirty years past : it is needless to add, that “ the school is a sinecure, and the funds grossly misapplied.” In one of the Northamptonshire returns, the clergyman says, he can learn nothing of the application of a school estate of 75*l.* a year, which never was registered, and he adds, that other charities in his parish are misapplied, and more in danger of being lost, “ in consequence of the parish clerk having been plundered of all writings relative to charities.” In Derbyshire one return gives this answer to our question, What funds exist in your parish for education ? “ None ; my Lord Such-a-one and his ancestors have withheld the rent of certain lands of considerable value from the grammar-school.” A similar case seemed to be presented to our notice, by a remark in a county history : the author says, that in a certain parish (in Westmorland) a school was amply endowed and begun, “ but being only in its probationary state, it was thought fit by the owner of the estate to be discontinued.” In other words, the scholars were (to use the technical phrase) *dis-*

missed, the school broken up, and since that time no man had heard any thing of it. Pursuing this hint we caused the Probate Office to be searched, and there found a will in 1700, devising a manor, a capital messuage, the tithes of a parish, and the tithes of a hamlet, for the establishment and support of a school. Yet this school had never passed beyond "its probationary state." It is true, that some of those to whom the estate devolved have lately, as an act of their own charity, founded a small school in their own name. But it is fit that all persons should learn one lesson; when funds are given to the poor, gratitude is due, and I trust is always rendered; and then the funds belong to the poor, who are not to be called upon a second time to thank those from whom by piecemeal the same property is again doled out, which had been given entirely, and once for all, above a hundred years ago. I know another instance, in the Northern parts of Yorkshire, where for an income of near 500*l.* a year the master teaches four or five scholars, when within the memory of many now living, the same endowment used to educate forty or fifty.

It may be observed of the cases which I have stated, that they are all (except two) taken from the returns furnished by the parochial clergy; and consequently they are beyond every sus-

picion of exaggeration. Indeed there can be no doubt that those reverend persons are rather disposed to understate the abuses in their neighbourhood, from a disinclination, perhaps pardonable upon the whole, to become the accusers of those with whom they live on friendly habits. I must add another observation upon the source of our intelligence. The returns and indeed the labours of the Committee relate only to Charities connected with Education, and consequently we have received no evidence regarding any other abuses, although it is manifest that all charities are as liable to mismanagement as the class more particularly examined.

I shall now strengthen the inferences which I am pressing upon the House, by the high authority of the Committee which sat in 1786 and 7 upon the returns under Mr. Gilbert's Act. The Report states, that many charitable donations have been lost, and others were in danger of being lost, from the neglect and inattention of those who ought to superintend them ; that the matter seems of such magnitude as to call for the serious and speedy attention of Parliament ; and it admits that the returns under the Act are exceedingly imperfect.

Yet, strange to tell, this recommendation has been wholly neglected by Parliament for above thirty years. I shall add another testimony to

the general existence of abuses, the more unexceptionable because it comes from an unexpected quarter : I mean the late Lord Kenyon ; an authority greatly to be respected on every account, but peculiarly entitled to deference when it appeared in opposition to public malversations, which that noble and learned person never showed himself peculiarly zealous to denounce. I allude to a case in the sixth volume of the Term Reports, *the King v. Archbishop of York*. A schoolmaster had been refused a licence on account of unfitness, and the Court of King's Bench was applied to for a Mandamus. The Lord Chief Justice begins his judgment in the prelate's favour with these remarkable expressions*. "Whoever will examine the state of the Grammar Schools in different parts of this kingdom will see to what a lamentable condition most of them are reduced, and would wish that those who have any superintendence or control over them, had been as circumspect as the Archbishop of York has been on the present occasion. If other persons had equally done their duty, we should not find as is now the case empty walls without scholars, and every thing neglected but the receipt of the salaries and emoluments. In some instances that have lately come to my own knowledge,

* 6 T. R. 493.

there was not a single scholar in the schools, though there were very large endowments to them."

When such are the abuses that exist, and so high the authorities which proclaim them, I surely may venture to assert the absolute necessity of Parliament taking immediate steps thoroughly to investigate and sift the whole matter to the bottom. But let me here notice the clamour which has already been raised against the powers proposed to be conferred upon the commissioners charged with this important inquiry. I hear it said, that they are inconsistent with the rights of private property. Under the flimsy pretence of great tenderness for those sacred rights, I am well aware that the authors of the outcry conceal their own dread of being themselves dragged to light as robbers of the poor, and I will tell those shameless persons, that the doctrine which they promulge, of charitable funds in a trustee's hands being private property, is utterly repugnant to the whole law of England. That law regards the inheritance of the poor as matter of public, not of private jurisdiction, and deals with it as it does with the rights of the Crown and the Church. I am anxious to correct once for all the misrepresentation of which I now complain, because it is artfully disseminated with a view to excite prejudices against the

proposed measure, by appealing to the very just delicacy that prevails on every thing connected with private rights. I therefore again assert, that a more gross abuse of language never was committed by ignorant or by wilful perversion, than the statement that charitable funds are of a private nature. The Legislature has at all times treated them as public. The 43d of Elizabeth orders Commissions to be issued for examining all abuses of those funds, with powers not merely to inquire, but to reform by making "orders, judgments, and decrees." Who ever thought of a commission to investigate, or control the management of private property? When a private estate is dilapidated—when land is let for an elusory rent—when the interests of the remainder-man are in any way sacrificed by the tenant for life—who ever dreamt of allowing any one not interested (except in the case of an infant) to apply for a judicial investigation of the injury? Yet, by the statute of Elizabeth, Commissioners may be sent into any county with powers to impanel a jury, and proceed judicially against all who mismanage, or abuse funds destined to charitable uses, without any previous complaint at the instance of any party interested in the property. In like manner Mr. Gilbert's Act requires every person in whose hands any such funds are,

whether arising from land or other sources, to return the nature and amount of the estates within three months, on pain of forfeiting one half of the property at the suit of a common informer. The two Statutes passed in 1812, proceed upon the same view of the question. By one of them (52 Geo. III. c. 101) a registry of charitable donations is prescribed; and the other (52 Geo. III. c. 102) gives a remedy for any abuse of them, by petition to a court of equity, which any two persons may present; a proceeding which has, however, proved most inadequate to the correction of the mischief. Such is the light in which charitable funds have always been regarded by the legislature, and so little have they ever been considered as private property! But I might appeal to the view which the Common Law takes of them, when it places them, as it were, under the joint protection of the Crown and the community, authorising the Attorney General to file an information on the relation of any individual, who may state that a charity has been abused. What is there analogous to this in the whole law of England with respect to private rights, unless perhaps in the case of infants? It seems as if the law regarded all charitable funds in the light of an infant's estate, and took the poor under its especial protection.

But it is said, that there is some hardship in calling upon individuals to produce their title deeds. I have endeavoured so to frame the measure in contemplation, as to remove every pretence for this complaint. Where the whole of a deed or other document relates to the charity, the person possessed of it must show it; and he cannot possibly apprehend any inquiry from doing so. Where only a part of the writing relates to the charity, and the rest may be supposed to regard the other titles of the possessor, then he is only compellable to produce an attested copy of the portion which relates to the charity. And if a document is called for, which the possessor will swear does not relate to any charity, he will then not be required to produce either the instrument or an excerpt. Thus, where the title of the charity is mixed up with the title of the private property, the latter is sacred from all inquiry; although indeed the great majority of such cases are matter of public notoriety, being generally bequests and devises in wills disposing of whole estates, and accessible to all at the Probate Offices. Where documents are in the hands of agents, trustees, or mortgagees, a provision is made that they shall not be obliged to produce them without due notice being given to their principals, cestui-que-trusts, or mortgagors, so that any objec-

tion available to the latter may hold good to prevent the production in the hands of the former. The power of commitment given to the Commissioners has also been objected to: I answer, that such a power appears essentially necessary to make the machine work. Where abuses of such magnitude, as I have described, exist, we cannot expect the strong interest of individuals in concealing them to be overcome without the application of a force which shall at once defy such resistance. Ample guards and checks are however provided to preclude the possibility of this power being abused, and to give the party aggrieved speedy relief, particularly by a direction that the whole examination which leads to any commitment shall be set forth in the warrant.

The provisions exempting the two Universities, and the four Great Schools is the only other part of the details of the measure that may require observation. It has been asked, why those bodies should be excepted? If there be no abuses in the management of their funds or in the administration of their other concerns, what have they to dread from inquiry? If, on the contrary, there are such abuses, why not examine and correct them? I confess myself one of those who feel the force of the remark. I will allow much to the high dignity of those bodies,

especially the Universities ; but I cannot easily imagine that it could be injured by an investigation leading to an acquittal which must place them beyond all suspicion. Nay, I think, the truest dignity is that which, conscious of innocence, defies and courts inquiry ; not that which wraps itself up in mystery and affects to place itself above being questioned. For it must be observed, that as such a refusal is equivocal, and may proceed alike from fear of exposure, and repugnance to being suspected, there will never be wanting persons to believe that all the mystery so proudly affected, is intended to consult their safety rather than their dignity. But, beside the apprehension that a refusal might have endangered the bill in certain quarters, the reason which has influenced me in acceding to the proposed exemption is, that those great establishments are placed conspicuously in the eyes of the public, and may be examined by the ordinary proceedings in Chancery, and by the enquiries of this House. In most cases the danger of abuses arises from the obscurity of the charity, the existence of which is often unknown, even to those who ought to act as the trustees. Into such cases, the Committee above stairs cannot inquire as they may into the Universities ; and individuals can neither discover the abuse nor undertake a

litigation for that purpose. It is singular enough, that the Statute of Charitable Uses originated in a charge of abuse preferred against the Universities. From a passage in D'Ewe's Journals*, it appears that a complaint was preferred to this House, "of many corruptions in
 " the Masters of Colleges in Oxford and Cam-
 " bridge, in abusing of the possessions of the
 " same contrary to the intents of the founders,
 " converting the benefit thereof to their own
 " private commodities," and the "advice of the
 " House was prayed for reform and for a bill."

In consequence of this statement a Bill was passed, and sent up to the Lords. But mark the progress of it. Their Lordships returned it by the hands of the Archbishop of Canterbury, with an amendment; upon looking into which, it was found to be a clause exempting the Universities from the provisions of the Act: the Act having been deemed necessary, in consequence of supposed malversations by those very Universities!

It has been said, that the Statute, of which I have just mentioned the notable origin, affords a sufficient remedy for the evil. The history of the proceedings under it affords the best answer to this objection. During the first year after it

*. 39, 40 Eliz. anno. 1597.—*D'Ewes*. 559.

passed, forty-five Commissions of Charitable Uses were issued. From that time to the year 1643, the returns are defective, the Docket Books in the Crown Office having been destroyed. From 1643 to the Restoration, there were two hundred and ninety-five Commissions. The troubled state of the country during the civil wars having probably occasioned great neglects and abuses of charities, a considerable increase took place in the number of Commissions, and no less than three hundred and forty-four were issued, between 1660 and 1678. From that time to 1700 there were one hundred and ninety-seven: from 1700 to 1746, only one hundred and twenty-five: and from thence to the beginning of the present reign no more than three. So that the whole number from 1643 to 1760 was nine hundred and sixty-four. Since the latter period, and indeed for twenty years before, this remedy may be said to have fallen into disuse. There have been only three commissions this reign, and only six in the last 75 years, of which number only one has issued since 1787, when the Committee stated the urgent necessity of investigating charitable abuses. It is hardly needful to show the reasons, why the statutory remedy is inapplicable to the present times, and in itself cumbrous and inefficacious. Suffice

it to observe, that it leads him who pursues it sooner or later into the Court of Chancery; and in truth, as the law now stands, that well known Court is the only refuge of those who complain. See then the relief held out to us by those who oppose, or threaten to oppose this measure, and who bid us resort to the ancient laws of the land! It is admitted to be true, that glaring abuses everywhere prevail—true that hardly a parish or a hamlet can be named where complaints are not heard—true, that the highest judicial authority proclaimed the extent of the grievance—true, that a Committee of the House of Commons, thirty years ago, vehemently urged you to afford redress. But your remedy is at hand, say the objectors—what reason have you to complain? Is not the Court of Chancery open? Come, all ye who labour under the burthen of fraud or oppression—enter the eternal gates* of the Court of Chancery! True you are the poor of the land—the grievance you complain of has robbed you of every thing: but pennyless though you are, you are not remediless—yon have only to file a bill in equity, and the matter will take its

* Per me si va nell' eterno dolore;

Per me si va tra la perduta gente;—

————— ed is eterno duro

Lasciate ogni speranza voi che 'ntrate!

DANTE.

course! Why, if there were nothing in the reality, there is something in the name of the Court of Chancery that appals the imagination, and strikes terror into the unlearned mind. I recollect a saying of a very great man in the Court of King's Bench. The Judge having said of his client, "Let him go into a Court of Equity." Mr. Erskine answered, in an artless tone of voice, which made Westminster Hall ring with laughter, "Would your Lordship send a fellow creature there?" There may be some exaggeration in the alarms created by the bare name of this Court; but, as long as it exists, a barrier is raised against suitors who only seek redress for the poor, though no bars of oak or of iron may shut them out. Yet that the prevailing panic has some little foundation, I will show you by a fact. I have mentioned that only one Commission had issued since 1787, and I am now enabled to state the result of its execution. It was fully executed in 1803; and in 1804, a decree was made, and the Court was petitioned to confirm it. Exceptions were taken as usual. Much and solemn argument was held, and I will venture to say, from what I know of that Court, the case was most learnedly and plentifully debated. In 1808 the matter was deemed ripe for a decision, and since that time it has, to use the technical, but significant expression, *stood*

over for judgment. For ten years it has awaited this final issue ; and during the last four years it has stood at the head of the Lord Chancellor's Paper, first among the causes waiting for judgment. Now, in the language of the profession, "*this is my case.*" If any one tells me that the Statute of Charitable Uses affords a remedy, I answer that the grossest abuses being every everywhere notorious, the remedy has only thrice been resorted to for above half a century, and only once within the last thirty years ; and I bid him look at the fate of that one attempt to obtain justice.

I trust that the time is now come when Parliament will adopt the only measure which can secure a real, effectual investigation of all charitable abuses. For this purpose it is absolutely necessary, that able and active men of business, chiefly lawyers, should be engaged to devote their whole time to the inquiry. They must be persons not only of incorruptible integrity, but of a stern disposition, and inaccessible to the cajolery which oftentimes shut the eyes of those whom grosser arts would assail in vain. They must be easy of approach to all accusers—never closing their ears to suggestion or information, because it may proceed from spiteful or malicious motives, or may denounce abuses too enormous to be credible, or accuse parties too exalted to

be suspected—not even rejecting the aid of informers who may withhold their names, as well aware that their office is to investigate and not to judge, and that anonymous, or interested, or malignant sources may supply the clue to guide inquiry; in a word, their propensity must be to suspect abuses, and lean towards tracing them; their principle must be, that no man who complains of an evil is to be disregarded, be his apparent motives what they may. It is only by such persons that this measure can be well carried into execution; and I consider the peculiar excellence of its mechanism to consist in the divisibility of the board. The eight acting Commissioners are to be separated into four bodies of two each, who move from place to place through the country, and carry on their inquiries at the same time. Thus it becomes hardly possible to appoint mere cyphers, as each individual will be called upon to act almost alone; it becomes equally difficult to waste time in debates of a Board, where all can talk and nothing may be done; it becomes certain that a rivalry will exist among the different bodies, which shall detect most abuses or neglects; and even if each body were only to do as much as the large boards usually named for such inquiries, four times more business would be transacted in the same space of time by their

multiplication. I confess, that I am very sanguine in my expectation of the benefits to be derived from this part of the measure; I consider it as a contrivance of eminent utility and of universal application; and I trust that no new board will ever henceforth be created without the adoption of this principle.

I have already detained the House much longer than I could have wished, but in justice to individuals whose characters may seem to be aspersed, I cannot conclude without observing, that many abuses exist without blame being imputable to any one. Neglects may be handed down as it were from father to son, until the right course of administration is forgotten. A person may hold funds as his own which some remote ancestor diverted from their proper object, and for many years the existence of the misappropriation may have been unsuspected. Trusts are everywhere found defeated by their originally imperfect construction; most commonly by defective powers of appointment where vacancies arise. And cases have come before the Committee, where those who were bound to make payments could find nobody entitled to receive, so that they were obliged to keep the money in their own hands. My decided opinion is, that a great majority of the abuses discovered will be found to consist of these classes, and to

reflect no blame on any one, except perhaps the original founders of the charity, who may have been negligent, or their immediate successors, who may have begun the abuses that time has both perpetuated and made innocent by concealing their origin.

It is impossible for me to close these remarks without expressing the extraordinary gratification which I feel, in observing how amply the poor of this country have in all ages been endowed by the pious munificence of individuals. It is with unspeakable delight that I contemplate the rich gifts that have been bestowed—the honest zeal displayed by private persons for the benefit of their fellow creatures. When we inquire from whence proceeded these magnificent endowments, we generally find that it is not from the public policy, nor the bounty of those who in their day possessing princely revenues, were anxious to devote a portion of them for the benefit of mankind—not from those, who, having amassed vast fortunes by public employment, were desirous to repay in charity a little of what they had thus levied upon the state. It is far more frequently some obscure personage—some tradesman of humble birth—who, grateful for the education which had enabled him to acquire his wealth through honest industry, turned a portion of it from the

claims of nearer connexions to enable other helpless creatures in circumstances like his own, to meet the struggles he himself had undergone. In the history of this country, public or domestic, I know of no feature more touching than this, unless, perhaps, it be the yet more affecting sight of those who every day before our eyes are seen devoting their fortunes, their time, their labour, their health, to offices of benevolence and mercy. How many persons do I myself know, to whom it is only necessary to say—there are men without employment—children uneducated—sufferers in prison—victims of disease—wretches pining in want—and straightway they will abandon all other pursuits, as if they themselves had not large families to provide for, and toil for days and for nights, stolen from their own most necessary avocations, to feed the hungry, clothe the naked, and shed upon the children of the poor that inestimable blessing of education, which alone gave themselves the wish and the power to relieve their fellow-men! I survey this picture with inexpressible pleasure, and the rather because it is a glory peculiar to England. She has the more cause to be proud of it, that it is the legitimate fruit of her free constitution. Where tyrants bear sway, palaces may arise to lodge the poor, and hospitals may be the most

magnificent ornaments of the seat of power. But though fair to the eye, and useful to some classes, their foundations are laid in the sufferings of others. They are supported, not by private beneficence, which renders a pleasure to the giver as well as a comfort to him who receives; but by the hard-won earnings of the poor, wrung from their wants, and frequently by the preposterous imposts levied upon their vices. While the rulers of any people withhold from them the enjoyment of their most sacred rights,—a voice in the management of their own affairs—they must continue strangers to those noble sentiments—that honest elevation of purpose, which distinguishes freemen; teaches them to look beyond the sphere of personal interest, makes their hearts beat high, and stretches out their arms for the glory and the advantage of their country. There is no more degrading effect of despotism than that it blunts the charitable feelings of our nature, rendering men suspicious and selfish, and forgetful that they have a country. Happily for England, she has still a people capable of higher things: but I have been led away from my purpose, which was only to express my admiration of those humane individuals, whose conduct I have so long witnessed—of whom if I have spoken very warmly, it is because I feel much more for them

than I can describe—and whose deserts are indeed far, far above any praise that language can bestow.



The Bill was committed without a division, nor was any opposition offered to it in any stage, except in the Committee, where a division took place upon a proposition of the ministers to exempt Harrow School from its provisions—This was to have been followed with other exemptions, and was opposed.—It was lost by a great majority, and no further attempt was made to impede the measure in the House of Commons.

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